

# Exhibit 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

BENNIE STARKS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 09 CV 348
	)	Judge Feinerman
CITY OF WAUKEGAN, and	)	
PRESENT and FORMER WAUKEGAN	)	
POLICE DEPARTMENT OFFICIALS,	)	
LIEUTENANT URBANIC, W.	)	
BIANG, P. STEVENSON, M.	)	
JUAREZ, D. DEPREZ and DR.	)	
CARL HAGSTROM, DR. RUSSELL	)	
SCHNEIDER and SHARON	)	
THOMAS-BOYD,	)	
	)	
Defendants.	)	

The deposition of BENNIE STARKS, taken before Nicole Koziol, Certified Shorthand Reporter and Notary Public, taken pursuant to the provisions of the Illinois Code of Civil Procedure and the Rules of the Supreme Court thereof pertaining to the taking of depositions for the purpose of discovery at 500 West Madison Street, Suite 2430, Chicago, Illinois, commencing at 9:34 a.m. on January 22, 2014.

1 BY THE WITNESS:

2 A. Yes, it does.

3 Q. Would you say it generally relates to an  
4 area that encompasses the ravine and your mom's  
5 house on Lake Street?

6 A. Yes.

7 Q. And by looking at this map, can you  
8 identify approximately where your mother's house  
9 was in relationship to the ravine?

10 A. Where is the ravine?

11 MR. STAINTHORP: Yeah, I think it's unclear.

12 BY MR. KRAUSE:

13 Q. Well, that's why I'm asking. If you  
14 can't tell, just tell me that.

15 MR. STAINTHORP: If you could try to orient  
16 us.

17 MR. KRAUSE: Yes.

18 BY MR. KRAUSE:

19 Q. I believe you will see here this is Lake  
20 Street right here (indicating). Do you see that?

21 A. Yes, I see it.

22 MR. KRAUSE: Hang on a minute. Did you get  
23 that, Mr. Videographer?

24 THE VIDEOGRAPHER: Yes.

1 BY MR. KRAUSE:

2 Q. So do you see on your copy of Exhibit 4  
3 where it says Lake Street and it meets South Utica  
4 and Martin Luther King Drive?

5 A. Well, at the time it wasn't Martin  
6 Luther King Drive, so what is it now -- I mean,  
7 what was it back then?

8 Q. South Utica.

9 Do you see that intersection of Lake  
10 Street and South Utica?

11 A. I see Lake Street. Where is Utica?

12 MR. STAINTHORP: Do you want to point it out.

13 THE WITNESS: Can I get my glasses, please?

14 MR. KRAUSE: Of course.

15 MR. STAINTHORP: Where are your glasses?

16 THE WITNESS: They're in my coat pocket.

17 MR. KRAUSE: Why don't we stay on the record  
18 while you're gone. Grab your glasses, and we can  
19 go from there.

20 (Witness steps out of room.)

21 THE WITNESS: Okay, so you're saying --

22 MR. STAINTHORP: Let him ask the question.

23 BY MR. KRAUSE:

24 Q. Sir, if you follow Belvidere Street to

1 South Utica on the map and then go north from  
2 South Utica to Lake Street, do you see that  
3 intersection?

4 A. Yes.

5 MR. STAINTHORP: Objection to form.

6 BY MR. KRAUSE:

7 Q. Your mom's house was generally at the  
8 intersection of South Utica and Lake Street; would  
9 you agree?

10 A. Yes.

11 Q. Immediately to the west of there in a  
12 gray shaded area on the map, would you agree that  
13 generally that is the area where the ravine was?

14 MR. STAINTHORP: Objection to form.

15 MS. MOGUL: There was pointing for the video  
16 but not for the purpose of my client.

17 BY THE WITNESS:

18 A. Okay, so are you saying that this is the  
19 ravine (indicating)?

20 Q. That's what I'm asking you.

21 A. If you say it is.

22 Q. Sir, I'm asking you, is that generally  
23 where the ravine was?

24 A. It's a possibility because I couldn't

1 just basically look at this and just tell you  
2 exactly. What I know Lake Street is where my mom  
3 stayed at.

4 Q. Okay. Let me see if I can help you  
5 further. I will show you what will be marked as  
6 Exhibit 5.

7 (Deposition Exhibit No. 5  
8 marked as requested.)

9 BY MR. KRAUSE:

10 Q. Take as much time as you need to take a  
11 look at this document.

12 (Witness peruses document.)

13 BY MR. KRAUSE:

14 Q. Is the area depicted in Exhibit No. 5  
15 familiar to yourself?

16 A. Yes.

17 Q. Do you see where Lake Street is in the  
18 bottom third of Exhibit No. 5?

19 A. Okay, I see it.

20 Q. Do you see a building right there at the  
21 intersection? It identifies itself as South  
22 Martin Luther King --

23 A. Yes.

24 Q. -- and then Lake Street. Do you see a

1 building there?

2 A. Yes.

3 Q. Was that your mom's building at 300 Lake  
4 Street?

5 A. Yes, it is, yes.

6 Q. And if you look, north is facing up on  
7 Exhibit No. 5?

8 A. Un-hun.

9 Q. To the west of there, did you see the  
10 ravine?

11 A. It is right here (indicating) or right  
12 there?

13 Q. Sir -- let me see where you're looking  
14 at. Is that the ravine, sir?

15 A. I guess, yeah.

16 MR. STAINTHORP: Objection to form.

17 BY MR. KRAUSE:

18 Q. And looking at this exhibit right here,  
19 this is your mom's house?

20 A. Yes.

21 Q. This is what you believe to be the  
22 ravine area?

23 A. Yes.

24 Q. Have you been there since January of

1           A.    I can't tell you specifically where the  
2           attack took place. The only thing I could tell is  
3           it was on Utica Street. As far as looking at this  
4           (indicating), this is Utica Street so it must have  
5           happened somewhere up in there. Absolutely this  
6           is the corner, I guess, of Utica and whatever that  
7           street that the police station is on.

8           Q.    Can you turn that exhibit around and  
9           show the videographer where you're pointing?

10          A.    I'm pointing right there, which is Utica  
11          Street (indicating).

12          MR. KRAUSE: Can you capture this?

13          MR. STAINTHORP: Just for the record, I  
14          object to this exhibit because it's not accurate  
15          in terms of the street names as they existed in  
16          1986. So I object, you know, to any use of this  
17          exhibit at any time.

18          BY MR. KRAUSE:

19          Q.    Sir, do you want to pull out the exhibit  
20          that is a satellite imaging?

21          A.    Un-hun.

22          Q.    Do you have that in front of you?

23          A.    Yes.

24          Q.    What exhibit is that?



1           A.     Exhibit 5.

2           Q.     That is the exhibit we see on the easel  
3 in front of you?

4           A.     Yes.

5           Q.     Can you point to the area where you  
6 believe this attack took place?

7           MR. STAINTHORP: I again object to any use of  
8 this exhibit which inaccurately names the streets  
9 as they existed in 1986.

10          BY THE WITNESS:

11          A.     I couldn't tell you exactly just by  
12 looking at this.

13          Q.     I thought you said it was on Utica  
14 Street?

15          A.     It was on Utica Street. Where is Utica  
16 Street at? I mean -- I mean.

17          Q.     You don't see Utica Street on this map?

18          MR. STAINTHORP: Well, that's a crucial --  
19 BY MR. KRAUSE:

20          Q.     Right here (indicating).

21          A.     Okay, that's Utica Street, okay.

22          MR. STAINTHORP: In fact, on this exhibit  
23 it's named something else.

24          MR. KRAUSE: Actually, it's named a

1 bipartisan street, John. It's Utica and Martin  
2 Luther King Drive. It's the same street. That  
3 street has been there forever.

4 THE WITNESS: It wasn't there when I was  
5 there.

6 MR. STAINTHORP: Not as Martin Luther King  
7 Drive.

8 BY MR. KRAUSE:

9 Q. Utica Street wasn't there when you were  
10 there?

11 A. No, I'm saying, Martin Luther King.

12 Q. The street was there, sir, the name may  
13 have been different, right?

14 A. Yes.

15 MR. STAINTHORP: The name was different.

16 BY THE WITNESS:

17 A. Yes.

18 MR. STAINTHORP: So this is obviously a very  
19 confusing exhibit because it has the incorrect  
20 name.

21 MR. KRAUSE: I'm sure it is.

22 BY MR. KRAUSE:

23 Q. So where --

24 MR. KARAVIDAS: I'm going to object for the

1 Q. It does?

2 A. Yeah.

3 Q. All right. So you wanted to walk on the  
4 other side of the street so you could cross the  
5 street to get to your mom's?

6 A. I was actually on the same side of the  
7 street as the building that my mom stayed in.

8 Q. Well, your mom's building is on the east  
9 side of Utica; is it not?

10 MR. STAINTHORP: Just for the record there  
11 are no directional indicators on the exhibit you  
12 are showing him.

13 MR. KRAUSE: Okay. Well, we all know that  
14 north is at the top.

15 MR. STAINTHORP: No, we don't.

16 MR. KRAUSE: Well, I'll stipulate to that  
17 because that's pretty general.

18 BY MR. KRAUSE:

19 Q. So if we assume the top of the map is  
20 north, which is identified actually on the other  
21 map that we looked at, why would you be walking on  
22 the south -- on the west side of Utica if your  
23 mom's apartment is on the east side of Utica?

24 MR. STAINTHORP: Objection to form.